

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF TENNESSEE

In re:  
DERON GERARD LOVETT  
TAMEKIA DEVON FAIN LOVETT  
Debtor(s)

Chapter 13

Case No. 12-12783 NWW

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**CHAPTER 13 TRUSTEE'S MOTION TO MODIFY PLAN LANGUAGE TO PROVIDE  
FOR MORTGAGE PAYMENT CHANGES AND POSTPETITION FEES, EXPENSES  
AND CHARGES IN COMPLIANCE WITH RULE 3002.1(b) AND (c)**

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Pursuant to Local Rule 9013-1(h), the court may consider this matter without further notice or hearing unless a party in interest files an objection. If you object to the relief requested in this motion, you must file with the clerk of the court at 31 East 11th Street, Chattanooga, TN 37402, an objection within 21 days from the date this notice was filed, and then serve a copy on the Chapter 13 Trustee, Kara L. West, P.O. Box 511, Chattanooga, TN 37401. If you file and serve an objection within the time permitted, the court will schedule a hearing and you will be notified. If you do not file an objection within the time permitted, the court will consider that you do not oppose the granting of the relief requested in this motion and may grant the relief requested without further notice or hearing.

Comes now Kara L. West, Chapter 13 Trustee ("Trustee"), pursuant to 11 U.S.C. §1329(a)(1) and Fed. R. Bankr. Pro. 3002.1, and moves the Court to modify the Debtor(s)' Chapter 13 plan. The confirmed plan does not authorize the Trustee to adjust the payments on long-term debt pursuant to 11 U.S.C. §1322(b)(5) to effect the purposes of the plan.

Therefore, the Trustee moves the Court to modify the Debtor(s)' plan to include the provisions detailed below and further provide that such provisions shall prevail over any conflicting provisions of the confirmed plan.

**Mortgage Payment Changes and Postpetition Fees, Expenses and Charges.** Absent objection, the amount of any maintenance payment provided for in the plan will be paid and adjusted in accordance with the filed claim and any subsequent Notice of Mortgage Payment Change. Absent objection, Notice(s) of Postpetition Fees, Expenses and Charges will be paid with first available funds. The filing of the Notice of Mortgage Payment Change or Notice of Postpetition Fees, Expenses and Charges shall be considered notice to the parties in interest of such plan payment change or increased amount of secured debt, and no further notice or filing is required by the trustee or debtor.

The inclusion of this provision may affect the dividend to unsecured creditors in a base or remainder plan, as mortgage payments changes or postpetition fees, expenses or charges may decrease the funds available to be distributed to unsecured creditors.

For clarification purposes, this provision will apply only to Notice(s) of Mortgage Payment Change and Notice(s) of Postpetition Fees, Expenses and Charges filed after the entry of the order approving this modification.

Respectfully submitted,

By: \s\ Kara L. West  
Chapter 13 Trustee  
P.O. Box 511  
Chattanooga, TN 37401  
(423) 265-2261

#### CERTIFICATE OF SERVICE

The undersigned does hereby certify that a copy of the Motion to Modify and accompanying proposed order has been sent by electronic mail to those shown on the Notice of Electronic Filing receipt issued by the Clerk of Court and/or served through the Bankruptcy Noticing Center on all creditors.

DERON GERARD LOVETT  
TAMEKIA DEVON FAIN LOVETT  
8007 STARR DRIVE  
DALTON, GA 30721

JAMES M SETTERS ATTY  
PO BOX 2583  
DALTON, GA 30722-

Fay Servicing LLC  
PO Box 809441  
Chicago, IL 60680-9441

Dated: April 28, 2016

By: \s\ Rebecca L. Farinash  
Paralegal